

REMARKS

These Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the Office Action mailed April 25, 2007.

Summary of the Examiner's Action and Applicant's Response

The Examiner rejected Claims 1 and 11 under 35 U.S.C. § 112 based on the limitation that the fins and gaps extend “substantially along the entire length of the stand”. Claims 1-7 and 10-20 were rejected under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al., U. S. Patent No. 5,870,284, in view of Tate, U. S. Design Patent No. D279,283. The Examiner rejected Claims 8 and 9 under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al. and Tate, as applied to Claim 1 above, and further in view of Muller, et al., U.S. Patent Application Publication No. 200510162832. Applicants respectfully traverse the rejections. Claims 1-20 remain pending.

Rejection of Claims 1 and 11 under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 1 and 11 under 35 U.S.C. § 112 as indefinite based on the limitation that the fins and gaps extend “substantially along the entire length of the stand”. The Examiner stated that Applicants have defined substantially as “largely but not wholly that which is specified”. The Examiner stated that Merriam-Webster's online dictionary defines the word “entirely” as ‘to the full or entire extent’. The Examiner stated that, “[s]ince substantially cannot be wholly, and entirely is the full or entire extent, it is noted that neither the fins nor the gaps can extend substantially, and simultaneously extend the entire length of the stand, as claimed.” (Emphasis added). The Examiner concluded, therefore, that Claims 1 and 11 are indefinite in that the terms “substantially” and “entirely” are contradictory by definition.

Applicants respectfully submit that Claims 1 and 11 do not include the term “entirely”. Applicants respectfully submit therefore, that the Examiner has incorrectly applied a definition of the word “entirely” in construing Claims 1 and 11. Therefore, Applicants respectfully submit that the rejection under § 112 is improper and requests withdrawal of this rejection.

Further, Applicants understanding is that the Examiner is construing the limitation as “extending substantially along the length of the stand” and “extending along the entire length of the stand”, which would be contradictory. Applicants respectfully submit that this interpretation incorrectly construes the words used in the claim. Applicants respectfully submit that applying the

definition “largely but not wholly that which is specified” for the word “substantial”, the limitation “extending substantially along the entire length of the stand” would be construed as “extending largely but not wholly along the entire length of the stand”. That is, extending largely along the entire length of the stand, but not wholly along the entire length of the stand.

Applicants respectfully submit further that the limitation in Claims 1 and 11 that the fins and corresponding gaps along the corresponding fin’s edge extend “substantially along the entire length of the stand”, i.e., “extending largely but not wholly along the entire length of the stand”, is consistent with the disclosure of the fins, edges, and gaps as shown in the drawings, e.g., FIGs. 1B and 3, and as described in the specification, e.g., paragraph [0017]. The limitation is also consistent with the fins and edges shown in FIGs. 2, 4, and 1A.

For all of the above reasons, Applicants respectfully submit that the limitation “substantially along the entire length of the stand” is definite, supported, and proper. Applicants respectfully submit therefore, that Claims 1 and 11 are not indefinite under 35 U.S.C. § 112.

Rejection of Claims 1-7 and 10-20 Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-7 and 10-20 under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al. in view of Tate. Regarding Claim 1, the Examiner acknowledged that Stewart, et al. lacks vertical members extending to corresponding fins extending away from the module in different directions and defining a gap. The Examiner stated that:

“Tate teaches a power module support (with labeled elements shown below) having a first vertical piece (1) extending from the base to a first fin (5) that extends substantially along the length of the stand (substantially given it’s broadest reasonable meaning and contradicts with the term entirely, therefore they can not both be used to describe an element of the invention, and for purposes of examination, since the disclosure does not show the element as extending the entire length of the stand it is being interpreted as substantially along the length of the stand) and extends from the base away from the module (the module would be supported inside of the frame) in a first direction, and having a second vertical piece (3) extending from the base to a second fin (6) that extends substantially along the length of the stand and extends out from the base away from the module in a second direction, the power module plugging into the stand defining a first gap (7) along an edge of the first fin that is adjacent to the first side of the power module and extends substantially along the length of the stand (substantially given it’s broadest reasonable meaning and contradicts with the term entirely, therefore they can not both be used to describe an element of the invention) and defining a second gap (8) along an edge of the second fin that is adjacent to the second side of the power module and extends substantially along the length of the stand, allowing vertical heat dissipation generated by the power module with air flow vertically through the first and second gaps and along respective substantially vertical surfaces of said power module.”

The Examiner concluded that it would have been obvious to a person of ordinary skill in the electronic art to combine the power supply system of Stewart, et al. with the conventional power supply support of Tate for the benefit of a lightweight support frame having large windows for cooling air. Applicants respectfully disagree.

Applicants respectfully submit that, in this rejection of Claims 1-7 and 10-20, the Examiner repeated the statement in the rejection under 35 U.S.C. § 112 in section 3 of the Office Action about the word “substantially” contradicting with the word “entirely”. The Examiner further stated that “for purposes of examination, since the disclosure does not show the element as extending the entire length of the stand it is being interpreted as substantially along the length of the stand”. Applicants respectfully disagree. Applicants respectfully submit initially, as above, that Claims 1 and 11 do not include the term “entirely” used by the Examiner in his rejection. Further, Applicants respectfully submit that the limitation in Claims 1 and 11 that the fins and corresponding edges extend “substantially along the entire length of the stand” is definite, supported, and proper, as stated above, consistent with the disclosure of the fins and edges as shown in the drawings, e.g., FIGs. 1B, and as described in the specification, e.g., paragraph [0017]. More specifically regarding the drawings, FIGs. 1A, 1B, and 2, and 3 show the fins 115 and 116 substantially along the entire length of the stand 110. FIGs. 2 and 3 show the gaps 350 and 355 substantially along the entire length of the stand 110, one on each side of the power module. As can be seen in the drawings, the fins 115 and 116 (shown best in FIG. 1B) and corresponding gaps 350 and 335 (shown best in FIG. 3) edges extend substantially, i.e., largely but not wholly, along the entire length of the stand.

Regarding Tate, Applicants respectfully submit that the Examiner has identified a first fin 5, second fin 6, first gap 7, and second gap 8 in Tate (with labeled elements shown on FIGs. 1 and 4 in the Office Action). Applicants respectfully submit that it is clear from the labeled figures of Tate in the Office Action that fins 5 and 6 in Tate as identified by the Examiner extend for only a short distance from a corner of the structure, i.e., not even arguably a quarter of the way along the length of the structure. Therefore, Applicant respectfully submits that Tate does not teach or suggest fins extending largely but not wholly, i.e., substantially, along the entire length of the stand, as claimed in Claim 1. Similarly, Applicants respectfully submit that Tate does not teach the formation of a gap extending substantially along the entire length of the stand on each side of the power module, as claimed in Claim 1.

For the above reasons, Applicants respectfully submit, therefore, that Claim 1 is non-

obvious based on Stewart, et al. in view of Tate. Claims 2-7, 10, and 20 depend from Claim 1, and thus are respectfully submitted as being non-obvious based on Stewart, et al. in view of Tate for the same reasons given above for Claim 1.

Claim 11 is similar to Claim 1, except for the addition of a fan. Applicants therefore respectfully submit that Claim 11 is allowable on the same basis as Claim 1. Claims 12-19 depend from Claim 11, and thus are respectfully submitted as being non-obvious in view of Stewart, et al. and Tate for the same reasons as above for Claim 11.

Response to the Rejection of Claims 8 and 9 under 35 U.S.C. § 103(a)

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being obvious based on Stewart, et al. and Tate, as applied to Claim 1 above, and further in view of Muller, et al. Claims 8 and 9 depend from Claim 1 and thus Applicants respectfully submit that these claims are non-obvious based on Stewart, et al. in view of Tate and further in view of Muller, et al. for the same reasons given above for Claim 1.

Conclusion

For the above reasons, Applicants respectfully submit that all the pending claims, Claims 1-20, in the present application are allowable. Such allowance is respectfully solicited.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,



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